



Senate

General Assembly

January Session, 2003

File No. 590

Senate Bill No. 859

Senate, April 30, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING DISABILITY DETERMINATIONS FOR PURPOSES OF CHILD SUPPORT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-215b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The child support and arrearage guidelines promulgated
4 pursuant to section 8 of public act 85-548* and any updated guidelines
5 issued pursuant to section 46b-215a shall be considered in all
6 determinations of child support amounts and payment on arrearages
7 and past due support within the state. In all such determinations, there
8 shall be a rebuttable presumption that the amount of such awards
9 which resulted from the application of such guidelines is the amount
10 of support or payment on any arrearage or past due support to be
11 ordered. A specific finding on the record that the application of the
12 guidelines would be inequitable or inappropriate in a particular case,
13 as determined under criteria established by the [commission]

14 Commission for Child Support Guidelines under section 46b-215a,
15 shall be [sufficient] required in order to rebut the presumption in such
16 case.

17 (b) In any determination pursuant to subsection (a) of this section,
18 when a party has been determined by the Social Security
19 Administration, or a state agency authorized to award disability
20 benefits, to qualify for disability benefits under the federal
21 Supplemental Security Income Program, the Social Security disability
22 program, the state supplement to the federal Supplemental Security
23 Income Program, the state-administered general assistance program or
24 the general assistance program, parental earning capacity shall not be a
25 basis for deviating from the presumptive support amount that results
26 from the application of the child support guidelines to such party's
27 income.

28 ~~[(b)]~~ (c) In any proceeding for the establishment or modification of a
29 child support award, the child support guidelines shall be considered
30 in addition to and not in lieu of the criteria for such awards established
31 in sections 46b-84, 46b-86, 46b-130, 46b-171, 46b-172, 46b-215, 17b-179
32 and 17b-745.

This act shall take effect as follows:	
Section 1	October 1, 2003

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

In accordance with existing Child Support and Arrearage Guidelines and the Connecticut Supreme Court, the bill specifies that family courts cannot deviate from the amount of child support prescribed by the Guidelines if someone is disabled. No fiscal impact to the Judicial Department or the Department of Social Services is associated with this change.

OLR Bill Analysis

SB 859

AN ACT CONCERNING DISABILITY DETERMINATIONS FOR PURPOSES OF CHILD SUPPORT**SUMMARY:**

This bill specifies that family courts cannot deviate from the Child Support Guidelines (i.e., order a parent to pay more or less than the guidelines indicate) based on the earning capacity of a person who has been found qualified for disability benefits under federal or state disability cash assistance programs. All of these programs require applicants and recipients to show that they have a limited, if any, ability to work in order to qualify for benefits.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Child Support Guidelines and Deviations***

Family courts use the child support guidelines to establish presumptive child support obligations in families with weekly incomes of less than \$2,500. The presumption can be overcome by a specific finding on the record that the amount would be inappropriate in a particular case.

The law and support guidelines specify deviation criteria. One of these is "other financial resources available to a parent," which includes his earning capacity.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 1